

1 [The post-trial Article 39(a) session was called to order at 1616,
2 14 December 2015.]

3 MJ: This Article 39(a) session is called to order. The parties are
4 present.

5 Defense counsel, have you been able to acquire the final piece of
6 documentary evidence you wanted?

7 ADC: Yes, Your Honor, we have. And a working copy has been
8 provided to the trial counsel and the military judge, and the original
9 was provided to the court reporter. It's a one-page document marked as
10 Appellate Exhibit XXXV.

11 MJ: That's what I have.

12 ADC: And it's an affidavit from Ms. Beatrice Anderson dated today,
13 the 14th of December 2015.

14 [The military judge perused Appellate Exhibit XXXV.]

15 MJ: With regard to how the court is going to interpret its
16 authority or mandate with regard to this hearing. Since this hearing,
17 this post-trial 39(a) session was ordered by the convening authority
18 post-authentication, the court is going to interpret its authority to
19 make findings of fact and any applicable conclusions of law solely to the
20 issue of addressing the circumstances regarding a \$10,000 payment made to
21 Mr. John Madden, a witness who testified during a pre-trial motion
22 hearing by Ms. Katheryne Horace, the mother of the victim in the case, as
23 set out by General Nowland in the memorandum ordering the post-trial
24 39(a) session. As such, the court will not entertain follow-on motions
25 or subsequent motions as part of this post-trial 39(a) session.